

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 16, 2006
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, Deputy City Clerk Linda Bratcher and Management Assistant Tonette Amos.

Mayor Pro Tempore Cole-McFadden called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Pro Tempore Cole-McFadden read the following proclamations: Navy Week presented to Commander Joe Klein and Day of Concern About Young People and Gun Violence presented to Rob Faggart.

City Council Members made comments on the following events attended/special recognitions: Chuck Davis and the African American Dance Ensemble in collaboration with Carolina Chocolate Drops; Junior Leadership Durham; the *BOONE* magazine edition which featured Mayor Pro Tempore Cole-McFadden in a profile *Fifty and Fabulous*; Durham Crisis Response Center, and Georges Rousse project.

Council Member Stith asked the administration to include the following in the report for the independent performance audit and organizational assessment at the October 19, 2006 Work Session: definition, purpose of independent performance audit, listing of potential companies who could perform audit, structure of a citizen oversight committee and cost projections. Next, Council Member Stith asked the Police Chief to review some of the successful crime initiatives/ideas that High Point and other areas have undertaken regarding Project Safe Neighborhoods.

City Council Members made comments on the following events attended/special recognitions: City/County Violence Prevention Committee that featured School Superintendent Dr. Carl Harris, the Public Affairs Office on receiving two national awards, and Facility Operations Managers Meeting.

Council Member Clement requested the administration to prepare a Resolution Memorializing John Edwards.

Mayor Bell made comments on the following events/special recognitions: John Avery Boys and Girls Club–Community Service Day, Duke/NCCU Student event and the North Carolina League of Municipalities Conference.

October 16, 2006

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker requested that Consent Agenda Item #14 [Lease Renewal at 211 Rigsbee Avenue] be deferred to the October 19, 2006 Work Session, reported the applicant is requesting that GBA #22 [Zoning Map Change – Cook Road Townhomes] be continued to the December 18, 2006 City Council Meeting to permit revisions to the development plan, Agenda Item #32 [Durham Police Department – 2nd Quarter Report] be presented at the beginning of the agenda and congratulated the Public Affairs Office on receiving two national awards—2006 Savvy Award, given for its “8 Bonds for a Better Durham Campaign” and the Award of Excellence for bi-monthly newscast “City Hall This Week”.

City Manager Baker gave an overview of the yard waste report that was made available to the Council last week and the media. He stated the report is a compilation of intense review of documents, e-mails and interviews he had with City staff that tells the story of what happened with the attempts to acquire the permit and the situation that caused the yard waste fire in chronological order. He noted his concern was with the significant lapses in the lack of follow-through in the City’s two-year effort to obtain an operating permit for the yard waste facility. He stated he received confirmation today from the Director of the Solid Waste Division of DNER that the City has submitted a completed site plan for their review and DNER will expedite that review of site plan. The Manager stated hopefully the City will have a full operating permit within the next week or so. Regarding the yard waste fire, he noted the accumulation of the yard waste was a result of the inadequate performance of the former grinding contractor, outlined conditions that caused the fire, made comments on the new grinder contractor—King and Martin and the fire related expenses totaling \$223,000 that would be covered in the current Solid Waste budget. City Manager Baker stated the current status of the facility is that the City has submitted the permit application, is accepting debris at the site, grinding on-site and hauling offsite until the City has a full operating permit. He also informed Council that the Internal Audit Department is conducting a comprehensive review of all operating permits that the City is required to have and that review should be presented at the next meeting of the Audit Services Oversight Committee. Mr. Baker stated personnel issues will be presented to Council by the end of the week and expressed concern that this issue occurred.

Council Member Clement requested that the report on personnel issues be presented at the October 19, 2006 City Council Work Session.

The City Manager stated he would provide information on what steps have been put in place to prevent this situation from happening again at the October 19, 2006 Work Session at the request of Council Member Stith.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to accept the City Manager’s priority items was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Mayor Bell asked the City Manager to prepare a letter to the family of the late Representative Bernard Allen.

October 16, 2006

Due to schedule conflicts with several Council Members, Mayor Bell suggested that the Special City Council Meeting scheduled for Thursday, October 19, 2006 at 11:30 am be held immediately following the Work Session.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to reschedule the time of the October 19, 2006 Special City Council Meeting from 11:30 a.m. to immediately following the City Council Work Session was approved at 7:49 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Mayor Bell requested that the report on the Performing Arts Subcommittee be presented during the October 19, 2006 City Council Work Session due to conflicts in scheduling a Performing Arts Subcommittee.

There were no priority items from the City Attorney and Deputy City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item #1 [2007 Legislative Agenda] was pulled.

MOTION by Council Member Woodard seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Woodard seconded by Council Member Catotti to approve City Council Minutes for the September 18, 2006 City Council Meeting; and

To approve City Council Action taken at the September 7, 2006 and September 21, 2006 City Council Work Sessions was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Council Member Woodard seconded by Council Member Catotti to receive and accept applications for citizens to fill two (2) vacancies on the Recreation Advisory Commission with terms expiring on August 8, 2009 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

October 16, 2006

**SUBJECT: PIGGYBACK PURCHASE – ONE CATERPILLAR 324DL EXCAVATOR
- GREGORY POOLE EQUIPMENT COMPANY**

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Gregory Poole Equipment Company, in the amount of \$215,219.00 for providing the City with one Caterpillar 324DL Excavator; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM BOARD OF ADJUSTMENT ANNUAL REPORT

MOTION by Council Member Woodard seconded by Council Member Catotti to receive and accept the Durham Board of Adjustment Annual Report for July 1, 2005 through June 30, 2006 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING
PETITIONED IMPROVEMENTS - CURB, GUTTER, AND PAVING AND
WATER AND SEWER LATERALS ON DRAKE AVENUE**

MOTION by Council Member Woodard seconded by Council Member Catotti to accept a Certificate of Sufficiency from the Manager of Engineering for the following petition; and

To adopt a resolution setting a public hearing for November 6, 2006, to consider ordering the following improvements was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Curb, Gutter, and Paving and Water and Sewer Laterals on Drake Avenue from Stroller Avenue to Albany Street

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH UBS REALTY
INVESTORS, LLC – 5205 BARBEE CHAPEL ROAD APARTMENTS
INVESTORS I AND II, LLC AND 5415 BARBEE CHAPEL ROAD**

October 16, 2006

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement with UBS Realty Investors, LLC - 5205 Barbee Chapel Road Apartments Investors I, LLC and 5205 Barbee Chapel Road Apartments Investors II, LLC to serve 5205 and 5415 Barbee Chapel Road was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: PERMANENT LOAN USING HOUSING BOND FUNDS FOR STEWART SQUARE, LLC FOR REHABILITATION OF 63 LOW-INCOME TAX CREDIT UNITS AT STEWART SQUARE (FORMERLY MUTUAL HEIGHTS)

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a Loan Agreement with Stewart Square, LLC in an amount of \$500,000.00 to provide permanent second mortgage financing at an interest rate of 2% with a term of 20 years;

To authorize the expenditure of \$500,000.00 in Bond funds; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: INTERLOCAL AGREEMENT WITH THE COUNTY OF DURHAM AND TRIANGLE UNITED WAY FOR THE IMPLEMENTATION OF THE 10-YEAR PLAN TO END HOMELESSNESS IN DURHAM

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute an Interlocal Agreement with the County of Durham and Triangle United Way to implement the 10-Year Plan to End Homelessness in Durham; and

To authorize the City Manager to make changes to the Interlocal Agreement and or other necessary documents as long as the changes do not increase the dollar amount of the award and remain consistent with the general intent of the agenda item was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT BLUE RIDGE ENTERPRISES INC. SINGLE FAMILY CONSTRUCTION EASTWAY VILLAGE DEVELOPMENT

October 16, 2006

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a contract amendment with Blue Ridge Enterprises Inc. to provide additional construction improvements for the Eastway Village development, in an amount of \$164,127.00 for a total contract amount of \$2,140,827.00 ; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT HURRICANE KATRINA
NATIONAL EMERGENCY GRANT CONTRACT BETWEEN THE CITY
OF DURHAM AND GENERAL MANAGEMENT SOLUTIONS, INC.**

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a Workforce Investment Act contract with General Management Solutions, Inc. for the Hurricane Katrina National Emergency Grant for \$150,000.00, and

To authorize the City Manager to make changes to the contract as may be needed as long as they do not increase the contract amount nor alter the completion date of the contract was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO THE CITY OF DURHAM EMPLOYMENT AND
TRAINING 2005-2007 GRANT PROJECT ORDINANCE #13314**

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the City of Durham North Carolina and the State of North Carolina "Employment and Training" Grant by executing the grant documents; and

To adopt the City of Durham North Carolina and the State of North Carolina "Employment and Training" Grant Project Ordinance FY 2005-2007, superseding Grant Project Ordinance #13314 in the amount of \$1,959,608.00 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13325

**SUBJECT: LEASE RENEWAL AT 211 RIGSBEE AVENUE-PARCEL ID 103009 -
MUTATION LLC**

October 16, 2006

To authorize the City Manager to execute a lease of two floors of the building at 211 Rigsbee Avenue from Mutation LLC for the period beginning October 25, 2006 through August 31, 2007 (first floor), and from April 25, 2007 through February 29, 2008 (second floor); and

To authorize the City Manager to make changes to the lease, prior to execution, provided such changes do not increase the rental rate or change the intent of the agenda item.

Note: By a vote of 7/0, the City Council deferred this item to the October 19, 2006 Work Session at the request of the City Manager.

SUBJECT: APPROVAL OF THE GRANT AWARD FOR PROJECT T.E.A.M. – TEEN AFTER-SCHOOL PROGRAM TO BE OFFERED AT THE COMMUNITY FAMILY LIFE CENTER AT LYON PARK

To authorize the City Manager to accept the Durham County Juvenile Crime Prevention Council Grant by executing the grant documents; and

To adopt the Durham County Juvenile Crime Prevention Council Grant Project Ordinance, in the amount of \$15,000.00.

Note: This item was approved at the October 5, 2006 Work Session. Ordinance #13324

SUBJECT: CONTRACT FOR REIMBURSEMENT FOR LAW ENFORCEMENT ASSISTANCE – TOWN OF CHAPEL HILL - HALLOWEEN

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute the contract for Reimbursement of Costs Incurred for Law Enforcement Assistance between the City of Durham and the Town of Chapel Hill; and

To adopt the Town of Chapel Hill Law Enforcement Assistance During Halloween 2006 Grant Project Ordinance in the amount of \$35,000.00 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13326

SUBJECT: CONTRACT FOR USE OF THE CITY OF DURHAM 2005 COPS INTEROPERABLE COMMUNICATIONS TECHNOLOGY GRANT BY DURHAM COUNTY

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a contract between the City of Durham and Durham County under which Durham County will expend City grant funds to carry out activities to obtain portable and

October 16, 2006

mobile radios, control station radios, remotes and console upgrades that are compatible with the 800 MHz City of Durham radio system to allow interoperability with all public service agencies in Durham County and adjacent counties; and to upgrade existing consoles to provide for dispatching and interoperable patching via direct interconnection to the Durham 800 MHz trunked radio system in the amount of \$2,645,160.00; and

To authorize the City Manager to modify the contract before execution, provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: ENGINEERING CONTRACT FOR NORTH DURHAM WATER RECLAMATION FACILITY IMPROVEMENTS AND LANDFILL GAS UTILIZATION PROJECT – HAZEN AND SAWYER

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to execute a contract with Hazen and Sawyer for engineering services in an amount not to exceed \$1,013,977.00 for the North Durham Water Reclamation Facility and Landfill Gas Utilization Project; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: 2005 BOND PROJECT IMPLEMENTATION UPDATE

To receive a presentation on the Implementation Timeline for the 2005 Bond Projects and other funded projects.

Note: This item was deferred to the October 19, 2006 Work Session.

SUBJECT: GUIDELINES FOR THE SUBMITTAL OF DEVELOPMENT PLANS AND COMMITTED ELEMENTS

To receive a presentation on the Guidelines for the Submittal of Development Plans and Committed Elements as an informational item consistent with the recommendation of the City Attorney's Office that Council be advised of the Joint City-County Planning Commission's action in approving these Guidelines.

Note: A presentation was received at the October 5, 2006 Work Session.

October 16, 2006

SUBJECT: REVEREND SAUNDRA BULLOCK

To receive comments from Sandra Bullock regarding bus service in their community.

Note: Comments were received at the October 5, 2006 Work Session.

SUBJECT: ROBBIE NESS

To receive comments from Robbie Ness requesting inclusion in the City's Retiree Medicare Supplement Program.

Note: Comments were received at the October 5, 2006 Work Session.

SUBJECT: TRIANGLE RAILS TO TRAILS CONSERVANCY

To receive comments from Daniel Clever regarding American Tobacco Trail Petition.

Note: Comments were received at the October 5, 2006 Work Session.

SUBJECT: CLEAN ENERGY DURHAM

To receive comments from Fred Broadwell regarding energy efficiency.

Note: Comments were received at the October 5, 2006 Work Session and a resolution will be presented at the October 19, 2006 Work Session.

SUBJECT: DURHAM OPERATION PIPE DREAM

To receive a report from the Administration regarding drug paraphernalia.

Note: This item was deferred to the October 19, 2006 Work Session.

SUBJECT: CONSTRUCTION MANAGEMENT AT RISK PRECONSTRUCTION SERVICES AGREEMENTS

To authorize the City Manager to negotiate and execute the agreements with Skanska USA Building, Inc., Heery International, Inc., Centex Construction LLC, and Barnhill Contracting Company for preconstruction services provided the fees to be paid for these services for any single project does not exceed five percent (5%) of the total budget for construction for that

October 16, 2006

project, and the total amount of each contract does not exceed the amounts listed in the Portfolio Summary; and

To authorize the City Manager to make changes to the agreements so long as those changes are consistent with the intent of this memo.

Note: This item was deferred to the October 19, 2006 Work Session.

SUBJECT: NATIONAL DOLLAR WISE WEEK

MOTION by Council Member Woodard seconded by Council Member Catotti to discuss the National Dollar Wise Week Proclamation and Press Release was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PIGGYBACK PURCHASE – ONE CATERPILLAR 953C TRACK
LOADER – GREGORY POOLE EQUIPMENT COMPANY**

MOTION by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Gregory Poole Equipment Company, in the amount of \$205,825.00 for providing the City with one Caterpillar 953C Loader; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WORKFORCE INVESTMENT ACT YOUTH SERVICES CONTRACT
WITH TRAINING FOR SUCCESS**

To authorize the City Manager to execute a contract with Training for Success in the amount of \$46,733.50, and

To authorize the City Manager to make changes as may be needed as long as they do not increase the dollar amount of the contract nor alter the completion date of the contract.

Note: This item was deferred to the October 19, 2006 Work Session.

[SUPPLEMENTAL ITEM]

October 16, 2006

**SUBJECT: DURHAM POLICE DEPARTMENT 2006 SECOND QUARTERLY
CRIME REPORT**

To receive a presentation on the 2006 Second Quarterly Crime Report.

Police Chief Steve Chalmers updated Council on the quadruple homicide that occurred November 19, 2005. He reported today the Durham County grand jury issued indictments in connection with the November 19, 2005 quadruple homicide that occurred on Alpine Road. He noted Rodrick Vernard Duncan age 27 was indicated on four counts of 1st degree murder, one count of attempted first degree murder, and one count of robbery with a dangerous weapon and he is currently in federal custody on armed drug trafficking charges. He made comments on the November 4, 2005 arrest of Mr. Duncan by the Durham Police Department in which he was charged with drug trafficking and other charges, stolen firearm; however, his bond was posted on November 5. He stated the investigation is ongoing and the Police Department anticipates that more arrests will follow, commented on press conference held today and notification to family on this issue.

Police Chief Chalmers gave a power point presentation on the 2006 second quarterly crime report highlighting the following:

The Durham Police Department reported an increase in violent and property crimes during the first six months of 2006 compared to the same period in 2005. Violent crime (murder, rape, robbery and aggravated assault) increased 35 percent from 678 reported during the first six months of 2005 to 916 during the same period in 2006. Property crime (burglary, larceny and motor vehicle theft) rose by 1 percent from 1,476 reported during the first half of 2005 to 1,492 in 2006. Overall index crime (violent and property crime) rose 5 percent during this six-month time period.

Crime fell in two out of seven index crime categories – murder and larceny – during the first half of 2006. The largest percentage drop was in the number of murders, which fell 61 percent from 18 during the first six months of 2005 to 7 during the first half of 2006. The number of larcenies decreased 3 percent from 3,809 reported during the first half of 2005 to 3,708 during the first six months of 2006.

The largest percentage increase was in the number of reported robberies, which rose 48 percent from 295 during the first half of 2005 to 437 during the same period in 2006. Motor vehicle thefts were up by 37 percent from 423 during the first two quarters of 2005 to 581 during the same period in 2006. Rapes increased 34 percent and aggravated assaults rose 28 percent during the first half of 2006 compared to the same period in 2005. Burglaries rose 1% from 5,708 reported during the first half of 2005 to 5,781 during the first six months of 2006.

Clearance rates for violent and property crimes dropped during the first half of 2006, but clearance rates for all crimes except larceny remained above the 2005 FBI national average for cities with populations of 100,000 to 250,000.

Mayor Pro Tempore Cole-McFadden made asked if there is a way of tracking individuals committing crime with prior records, and out on bond with prior records.

October 16, 2006

Chief Chalmers replied no.

Council Member Clement expressed concern regarding other jurisdictions suggesting that residents from Durham are committing criminal activity in their city.

Council Member Stith expressed concern with the 35% increase in violent crime and the bonding issue. He asked the administration to provide information on tracking shooting victims, to address the bonding issue from a legislative point of view and provide goals regarding guns.

Council Member Brown asked the administration to provide an analysis on the following: the district attorney's comments made today at the Press Conference, the bond issue, revolving doors, and state-wide models to address the issue of prostitution. He made comments on the designation of crimes based on location of crime and the staffing analysis that will be presented to Council at a later date.

It was indicated by Chief Chalmers that the information requested by Council Member Brown would be presented by the end of the year.

Mayor Bell made comments on the panel discussion that addressed the issue--how you deal with the court system and stated violent crime is a national issue.

Council Member Stith asked the administration to have the legislature review level of crimes that have no bond.

Council Member Woodard asked staff to find a way to track statistics on how quickly the City is clearing crimes.

Council held discussion on the issue of guns.

Council Member Clement stated he would like to publicize the picture of everyone involved with prostitution.

Victoria Peterson, of Triangle Citizens Rebuilding Communities, made comments on the sexual assault issue, stated Durham has serious crime problem, expressed concern that she has not received funding to help criminals, and that there are no African Americans working on Barnes Avenue.

Note: No action was taken by the City Council on this item.

[GENERAL BUSINESS AGENDA]

**SUBJECT: RESOLUTION REQUESTING AN IMMIGRATION COURT IN THE
STATE OF NORTH CAROLINA**

Victoria Peterson made comments in support of this item.

October 16, 2006

MOTION by Council Member Stith seconded by Council Member Woodard to adopt a Resolution Requesting that the United States Department of Justice Establish An Immigration Court in the State of North Carolina was approved at 8:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9402

**SUBJECT: AMENDMENT TO PROFESSIONAL SERVICES CONTRACT
BETWEEN THE CITY AND HEERY INTERNATIONAL, P.C. FOR THE
DOWNTOWN RENOVATION PROJECTS**

Deputy City Manager Wanda Page made comments on this item. She reported that the purpose of this contract amendment is to correct ADA non-compliance items and to design 18,500 square feet of existing exhibit hall space in the Durham Civic Center into ballroom space.

Deputy City Manager Page noted the source of funds for this project would be the 2004 COPS and the 2005 bonds.

MOTION by Council Member Woodard seconded by Council Member Catotti to adopt a resolution exempting the Downtown Renovation Projects from G.S. 143-64.31; and

To authorize the City Manager to execute an amendment to the City of Durham Downtown Buildings Renovation Project Agreement with Heery International, P.C. in the amount of \$80,880.00 so that the total contract amount will not exceed \$1,217,973.00; and

To authorize the City Manager to make changes to the contract before executing it, if the changes do not increase the fees to be paid by the City and do not decrease the goods and services to be provided to the City; and

To increase the project contingency by \$8,088.00 to \$121,797.00; and

To authorize the City Manager to negotiate and execute change orders to the "City of Durham Downtown Buildings Renovation Project Agreement, provided the total amount paid under this contract does not exceed \$1,339,770.00 was approved at 8:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9403

[GENERAL BUSINESS AGENDA – PUBLIC HEARING]

SUBJECT: ZONING MAP CHANGE – COOK ROAD TOWNHOMES (Z06-17)

October 16, 2006

To receive public comments on the zoning map change for Cook Road Townhomes (Z06-17);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-17 out of RS-20 and placing same in and establishing same as PDR 8.000; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan, should the plan amendment be adopted, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 8-5 on August 8, 2006. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on increased traffic congestion, inconsistency with neighboring land uses, impacts on sensitive environmental areas and inadequate provision of facilities in the development plan.

[The site is located on the east side of Cook Road, south of Martin Luther King, Jr. Parkway and north of Brown Street, PIN: 0729-01-38-0483]

Note: By a vote of 7/0, the City Council continued this item to the December 18, 2006 City Council Meeting at the request of the City Manager.

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: 2007 LEGISLATIVE PROGRAM

Victoria Peterson expressed concern that the City is not receiving any money from the court system. She urged Council to petition the Durham legislature to pass a bill that would take \$1 to \$2 from each criminal court case to be set aside for Durham County to be utilized for rehabilitation.

October 16, 2006

Mayor Bell asked the City Attorney to add this item to the Legislative Agenda.

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report from the City Attorney concerning the 2007 Legislative Program; and

To approve the 2007 Legislative Program Calendar and the 2007 Legislative Program Areas of Responsibility was approved at 9:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 9:01 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk